THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 19995 of 2004

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Dated:22-08-2005

Between:

M.V. Subba Reddy, S/o Venkata Subba Reddy,
9/2 Ward, Proddutur Town and Mandal, Kadapa District.

..... PETITIONER

AND

The District Collector, Kadapa District at Kadapa, and others.

.....RESPONDENTS

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ORDER:

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The petitioner was appointed as fair price shop dealer of a fair price shop of 9/2 Ward, Proddutur. The shop was inspected by the third respondent in September, 2004. It appears the cardholders submitted before the Mandal Revenue Officer that the petitioner herein was running the fair price shop benami through S.Venkata Swamy, who was distributing the essential commodities to them. Accordingly, the Mandal Revenue Officer sent up a report on 08.09.2004 recommending cancellation of authorization of the petitioner. Based on the report, the second respondent, having come to *prima facie* conclusion that the petitioner has contravened the A.P.State Public Distribution System Control Order, 2001 (for short 'the Control Order'), issued the impugned order suspending the authorization of the petitioner pending enquiry and finalization of the same. Assailing the same, the present writ petition is filed.

The learned counsel for the petitioner has strenuously contended that under the

Control Order there is no prohibition in engaging a person to run the fair price shop and the same does not amount to running the shop benami. He further alleged that without there being any enquiry in the routine manner, the second respondent cannot exercise the power under Clause 5(4) of the Control Order.

Opposing the writ petition, a detailed counter affidavit is filed. It is stated that based on the Mandal Revenue Officer's report, the suspension order is passed and a show cause notice was issued and the enquiry is pending. When the enquiry is pending, it would not be proper for this Court to pass any orders on the merits of the case. If so advised, the petitioner may approach the Joint Collector, who is the appellate authority, under Clause 20 of the Control Order, within a period of one week from the date of receipt of a copy of this order and obtain appropriate orders.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

22.08.2005

vs